IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 444 /2003

PETITIONER : Santoshchand Parekh
S/o Malchandji Parekh,
Aged about 62 years
Occupation:Advocate
R/o Balod, Tahsil:Balod,
District-Durg (CG).

VERSUS

RESPONDENTS : 1) State of Chhattisgarh
Through the Secretary,
Law & Legislature Department,
DKS Bhawan, Raipur (CG).

2) The Court Superintendent,
Office of District & Sessions
Judge, Durg, Distt.Durg (CG).

P.R. No. 3-2-03
Presented by Shri V.K.Deshmukh
dated 28.01.03

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

1) Particulars of petitioner

(45)

(44)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.444/ **सन्** 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

28.1.2005

Shri Anoop Majumdar, counsel for the petitioner.

Shri Pramod Kumar Verma, Additional Advocate General for the State/respondents.

Heard both the counsel.

I.A.No.8409/2004 is allowed.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India, questioning the legality, propriety and correctness of the order dated 31.12.2002/02.01.2003 (Annexure A-3) passed by respondent No.2.

Brief facts leading to filing of this petition are that the petitioner is practicing as Notary at Balod, District: Durg. As his tenure of the certificate to practice as notary was expiring, therefore, the petitioner moved an application before the respondent/State for renewal of the said certificate and vide order dated 14.7.2000 his certificate was renewed for a period of three years as per the old law and provisions of sub-Section (2) of Section 5 of the Notaries Act, 1952. Whereas, the said provision stood amended by the Act 36 of 1999, whereby the period of three years was amended to five years w.e.f. 17.12.1999.

I have perused sub-Section (2) of Section 5 of the Notaries Act, 1952 which reads thus: -

(45)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P 444/ सन् 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

"The government appointing the notary, may, on receipt of an application and the prescribed fee, renew the certificate of practice of any notary for a period of five years at a time."

Therefore, in view of the above provisions the petitioner's certificate to practice as Notary ought to have been renewed for a period of five years.

In the circumstances, the petitioner's petition deserves to be allowed. Accordingly, the petition is allowed and the respondents are directed to renew the petitioner's certificate for practicing as Notary for a period of five years instead of three years with effect from the original date from which he was entitled for renewal of the certificate.

In view of this order, M.(W.)P.No.366/2003, I.A.No.964/2003, 9589/2003 stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 444/03 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
		09/2/05 In compliance Hon'ble court order dt 28/1/05, Amendment carried out by the petitioner Counsel on 09/2/05 is verified & altered Sd/- A.R (J)